



City Council Agenda

Council President
Blong Xiong

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Henry T. Perea
Cynthia A. Sterling – Acting President
Larry Westerlund

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

March 4, 2008

8:30 A.M. ROLL CALL

Invocation by Ling Cho of the Taiwan Buddhist Church

Pledge of Allegiance to the Flag

Ceremonial Presentation:

Presentation of SPCA Pet of the Month – Councilmember Calhoun - **Presented**

Check Presentation from GAP to FUN & City of Fresno Parks, After School, Recreation and Community Services for the Teen Fresno Program – Councilmember Perea - **Presented**

Proclamation of “JON RUIZ DAY” – Mayor Autry and All Councilmembers – **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of February 26, 2008

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

- A. * Award a contract in the amount of \$335,586.30 to Pioneer Farm Equipment Co. of Fresno, CA for one (1) scraper tractor with carry load scraper and reject all bids for one (1) motor grader – General Services Dept./Fleet Management Division
Action Taken: Awarded
- B. **RESOLUTION** - Setting a public hearing for April 1, 2008, at 10:00 a.m. to determine whether public necessity, health, safety or welfare requires the formation of Underground Utility District No. FRE-91 (Willow Avenue south of Nees Avenue across APN 404-481-18), (**Property located in District 6**) – Public Works Dept.
Action Taken: Resolution No. 2008-38 adopted
- C. * Approve construction contract with Mark Wilson Construction Inc. in the amount of \$1,932,871.00 for construction of the station renovations and additions for Fire Stations No. 11 and 13 within the City of Fresno (**Fire Stations No. 11 & 13 are within District 6**) – Public Works Dept.
Action Taken: Approved
- D. Approve an Encroachment Agreement with the Fresno Irrigation District to allow the installation and maintenance of trees and shrubs and irrigation system within the right-of-way of Mill Ditch No. 36 and authorize the Public Works Director or his designee to sign the agreement on behalf of the City of Fresno (**Property located in District 4**) – Public Works Dept.
Action Taken: Approved
- E. * Award a contract to Tri-County Grading & Paving, Inc., in the amount of \$449,973 for Ashlan Avenue widening from Blythe Avenue to Freeway 99 (**Property located in District 1**) – Public Works Dept.
Action Taken: Awarded

1. **CONSENT CALENDAR CONTINUED**

- F. **RESOLUTION** - Approving acceptance of \$500,000 in grant funds from the Children and Families Commission of Fresno County and authorize execution of documents (*Property located in District 2*) - PARCS
Action Taken: Resolution No. 2008-39 adopted
- G. * Approve Consultation Services Agreement between the City of Fresno and Jane Yow for aspire to supervise training and authorize the Personnel Services Director to execute agreement on behalf of the City – Personnel Services Department _
Action Taken: Approved
- H. * Approve 2nd Amendment to Agreement with R3 Consulting Group to prepare updates to the solid waste rate model for the Department of Public Utilities in the amount to not exceed \$37,750 – Department of Public Utilities
Action Taken: Approved
- I. Approve 2nd Amendment to Lease and Adaptive Reuse Agreement between the Department of Public Utilities, Water Division, and the Fresno Convention and Visitors Bureau for use of the historic Water Tower at Fresno and “O” Streets in the amount of \$1.00 annually – Department of Public Utilities
Action Taken: Approved
- J. Approve Amendment II for 90-day extension of the contract between the City of Fresno and the County of Fresno for fire dispatch services – Fire Department
Action Taken: Approved
- K. * Obtain Council authorization for Chief Information Officer to negotiate and enter into contract with DLT Solutions Inc. for annual oracle support and maintenance not to exceed \$241,835.02 plus any applicable sales tax – Information Services Department
Action Taken: Authorized
- L. * **RESOLUTION** – 75th amendment to AAR No. 2007-214 appropriating \$952,000 in available HOME Program Funds for new construction of affordable housing (*Requires 5 affirmative votes*) – Planning and Development Department
Action Taken: Resolution No. 2008-40 adopted
- M. **BILL NO. B-10 - (Intro. 2/26/2008) (For adoption)** – Adopting TA-07-02 and environmental findings as recommended by the Planning Commission amending the text of the Fresno Municipal Code Zoning Ordinance related to the creation of the “ANX” Annexed Rural Residential Transitional Overlay District for maintaining the rural residential lifestyle for annexed properties – Planning and Development Department
Action Taken: Ordinance No. 2008-10 adopted
- N. * **BILL NO. B-6 – (Intro. 2/26/2008) (For adoption)** - Amending the Fresno Municipal Code Section 14-308 deleting the provision allowing certain government vehicles to park free at downtown parking meters or timed zones – Public Works Dept.
Action Taken: Ordinance No. 2008-11 adopted
- O. * **BILL NO. B-7 – (Intro. 2/26/2008) (For adoption)** – Amending Section 4-108 of the Fresno Municipal Code relating to local preference in the purchase of materials, supplies and equipment – General Services Dept./Purchasing Division
Action Taken: Ordinance No. 2008-12 adopted
- P. * **BILL NO. B-8 – (Intro. 2/26/2008) (For adoption)** - Amending Section 7-1002, Section 7-1202 Subsection (a), Section 7-1207 Subsection (a) and adding Subsection (e) to Section 7-1207 of the Fresno Municipal Code relating to exemption of private sector professional employees from business license and license fee requirements – City Attorney’s Office
Action Taken: Ordinance No. 2008-13 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION –**

9:00 A.M. B. **UNSCHEDULED COMMUNICATION –** Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda - **Held**

9:15 A.M. A. **Presentation by Bill Finn regarding Riverside Golf history and status – Councilmember Calhoun – Presentation made**
Action Taken:

9:30 A.M. **CITY COUNCIL**

A. **RESOLUTION -** Establishing the District 4 Temporary Appointment Committee to fill the remainder of Councilmember Westerlund's term of office while he is away on military leave
Council President Xiong

Action Taken: Resolution No. 2008-41, as amended, for committee to rank the top 5 candidates without eliminating any candidates

B. **RESOLUTION** In opposition to Governor Schwarzenegger's proposed 2008-09 budget cuts to law enforcement – Councilmember Perea

Action Taken: Resolution No. 2008-42 adopted

9:45 A.M. **GENERAL ADMINISTRATION**

A. * Approve an agreement with Shane's Inspiration (Inc.) in the amount of \$79,725 for the preparation of plans, specifications, and cost estimates for portions of the universally accessible park (***Property located in District 1***) – Public Works Department

Action Taken: Approved

10:00 A.M. **HEARING** regarding the annual weed abatement assessment – Planning and Development Dept./Code Enforcement Division

Action Taken: Held

a. **BILL - (For introduction)** – Approving the 2008 Weed Abatement Program

Action Taken: Bill No. B-14 introduced/laid over

10:15 A.M. **WORKSHOP** regarding the Downtown Linear Water Feature – City Manager's Office and Calthorpe Design - **Held**

10:30 A.M. **HEARING** to consider Rezone Application No. R-07-50, and environmental findings, filed by Gayle Sherrill on behalf of Bob G. Taylor of Harmony Free Will Baptist Church, pertaining to approximately 4.8 acres of property located west of the southwest corner of E. Belmont and N. Minnewawa Avenues (***Property located in District 7***) – Planning and Development Dept.

Action Taken: Held

a. Consider and adopt Environmental Assessment No. R-07-50/C-07-197, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

Action Taken: Adopted

b. **BILL –** Amending the Official Zone Map to rezone the subject property from the R-2-A/cz (*Low Density Multiple Family Residential, one story/conditions of zoning*) and R-1 (*Single Family Residential*) zone districts to the R-2/cz (*Low Density Multiple Family Residential/conditions of zoning*) zone district

Action Taken: Bill No. B-15/Ordinance No. 2008-14 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:35 A.M. HEARING to consider Rezone Application No. R-07-78, and environmental findings, filed by Tamie Ego on behalf of Warner Fresno Properties LLC, pertaining to approximately 0.36 acre of property located on the southwest corner of N. Fresno Street and E. Warner Avenue (363 and 373 E. Warner Avenue) **(Property located in District 6)** – Planning and Development Department

Action Taken: Held

a. Consider and adopt Environmental Assessment No. R-07-78, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

Action Taken: Adopted

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A (Single Family Residential Agricultural) zone district to the C-P/cz (Administrative and Professional Office/condition of zoning) zone district for Lot 116 (APN 408-063-11); and rezone from the C-P/cz (Administrative and Professional Office/condition of zoning) zone district to the C-P (Administrative and Professional Office/condition of zoning) zone district for Lot 115 (APN 408-063-12)

Action Taken: Bill No. B-16/Ordinance No. 2008-16 adopted

11:00 A.M. CONTINUED HEARING to consider Rezone Application No. R-06-39, and environmental findings, filed by Harbour and Associates on behalf of Riverfront Ventures, LLC. pertaining to approximately 9.40 net acres of property located on the northwest corner of the intersection of W. Herndon and N. Bryan Avenues **(Property located in District 2)** – Planning and Development Department

Action Taken: Held

a. Consider and adopt Environmental Assessment No. R-06-39/T-5558/C-06-143, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

Action Taken: Adopted

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (Exclusive Five Acre Agricultural/Expressway Area Overlay/Urban Growth Management) zone district to the R-1/EA/UGM (Single Family Residential/Expressway Area Overlay/Urban Growth Management) zone district

Action Taken: Bill No. B-17/Ordinance No. 2008-16 adopted

2:00 P.M. #1 **CONTESTED CONSENT ITEMS (IF ANY)**

2:00 P.M. #2 **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Robert Palacios v. Central Valley GMC, CA Corp, et al. Fresno County Superior Court Case No.: 06CECG02094

Action Taken: Held

3:00 P.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of February 5 and 26, 2008

Action Taken: Laid over to next meeting

A. Consider adoption of Agency resolution certifying Subsequent Environmental Impact Report (SEIR) SCH # 2003051046 for the Old Armenian Town Project-relocation of historical resources **(Continue to March 11, 2008 at 3:00 P.M.)**

Action Taken: Continued as noted

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:30 P.M. Request the City Council direct staff to work with various youth groups to establish a Fresno City Council Youth Advisory Board – Councilmember Perea
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS

Mar. 11 - 10:00 A.M. **HEARING** re: Rezone Application No. R-07-74A, filed by Michael Tomason and Jon C. Tomason

Mar. 11 - 10:15 A.M. **HEARING** re: designated properties to the local register of historic resources – Planning and Development Dept.

Mar. 11 - 3:00 P.M. Consider adoption of Agency resolution certifying Subsequent Environmental Impact Report (SEIR) SCH # 2003051046 for the Old Armenian Town Project-relocation of historical resources

Mar. 18 - **NO MEETING – EASTER BREAK**

Mar. 25 - 10:00 A.M. **HEARING** for the vacation of Fulton Lane between Broadway and Fulton Streets and the Broadway-Fulton/Broadway-Divisadero Alley between Fulton Lane and Yosemite Avenue - RI No. 1063D

Mar. 25 - 10:30 A.M. **HEARING** re: Rezone Application No. R-07-12, filed by The McCaffrey Group on behalf of Harry and Jill Pascuzzi

Mar. 25 - 5:30 P.M. **CONTINUED HEARING** re: Hacienda Conversion project

Apr. 1 - 10:00 A.M. **HEARING** re: UUD No. FRE-91 (Willow Avenue south of Nees Avenue across APN 404-481-18)

Apr. 1 - 10:15 A.M. **HEARING** re: Rezone Application No. R-08-04, filed by the City of Fresno

Apr. 15 - 8:30 A.M. Presentation of P.R.I.D.E. Team Certificates for the Spring Quarter (**Reception immediately following – 2nd floor foyer**)

Apr. 15 - 10:00 A.M. **HEARING** re: General Plan Amendment No. A-08-02, Rezone Application No. R-08-02, CUP No. C-08-02, filed by LREG, Inc. on behalf of the City of Fresno (Legacy Project)

Apr. 22 - **NO MEETING – COUNCIL RECESS**

Apr. 30 - 2:00 P.M. (**WEDNESDAY**) Presentation of Employee Service Awards (Council Chambers) – Reception immediately following – 2nd floor foyer)